

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46849 of 2016

Arising Out of Complaint Case No. -1445 Year- 2015 Thana -PATNA COMPLAINT CASE
District- PATNA

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Shiv Raj Kumar, Son of Late Ambika Prasad

.... Petitioner

Versus

1. The State of Bihar
2. Hazari Lal Rai, Son of Prem Dhar Rai.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-10-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner has been made accused in a complaint case
in which prima facie case has been found under Sections 323, 341,
406, 504 and 506 of the Indian Penal Code but contents of the
complaint petition go to show that petitioner and complainant
entered into an agreement for sale and in pursuant thereto the
petitioner took huge amount from the complainant but refused to
execute absolute sale deed.

Submission on behalf of the petitioner is that even if
the story as propounded by the complainant assumed to be true,
then also, it is a case of civil dispute and petitioner cannot be
prosecuted for criminal offences.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Raghawendra Narayan Singh, Judicial Magistrate 1st Class, Danapur, Patna in connection with Complaint Case No. 1445 C of 2015.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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